

THE HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

PORT OF OLYMPIA,

Plaintiff,

v.

M/V THE DREAM f/k/a EVERGREEN
STATE and JONES GLOBAL
INVESTMENT LLC,

Defendants.

IN ADMIRALTY

Case No. 3:20-cv-05789-JCC

DECLARATION OF MOLLY J. HENRY
SUPPORTING MOTION FOR DEFAULT
AND DEFAULT JUDGMENT

Molly J. Henry declares as follows under the penalty of perjury of the laws of the
United States of America:

1. I am an attorney of record for Plaintiff Port of Olympia ("Port" or "Plaintiff")
in the above matter. I am over the age of eighteen (18) and am otherwise competent to testify
to the facts stated herein. I make this declaration based upon personal knowledge.

2. Prior to filing the Verified Complaint in this action, my office obtained a
certified Certificate of Documentation and an Abstract of Title for the Vessel from the
United States Coast Guard. True and correct copies of the Certificate of Documentation and
Abstract of Title, as received from the U.S. Coast Guard, are attached hereto as Exhibit A.

3. The Port filed a Verified Complaint seeking arrest of the Vessel to satisfy the
Port's maritime lien on August 6, 2020, but asked that the warrant be held in abeyance while

DECLARATION OF MOLLY J. HENRY SUPPORTING
MOTION FOR DEFAULT - 1

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1 the Port worked cooperatively with Vessel owner Jones Global (though its counsel) to try
2 and arrange a private sale that would benefit all parties.

3 4. In exchange for the Port's cooperation and abeyance of the arrest action,
4 Jones Global agreed that if the anticipated private sale fell through, it would not oppose the
5 Port's efforts to seek an expedited sale through the Court. A true and correct copy of an
6 email exchange I had with counsel for Jones Global laying out the specific terms of our
7 agreement is attached hereto as Exhibit B. Specifically, Jones Global agreed that it would
8 pay the Port \$10,000 on or around August 10, obtain acceptable insurance on the Vessel by
9 August 19, remove the ferry from the Port's dock no later than September 15, and pay the
10 remainder of a negotiated lien by that same date.

11 5. Jones Global failed to meet any of the agreed deadlines. It never paid the Port
12 anything, the Vessel remains uninsured, and the Vessel continues to occupy the Port's berth.

13 6. I informed Jones Global's counsel, Shawn Griggs, that the Port would be
14 forced to move forward with the arrest action. Mr. Griggs informed me that he did not
15 intend to appear in the action and that it was his understanding that his client would not
16 appear either. He indicated that he was "in the process" of ending his relationship with Jones
17 Global.

18 7. On September 15, 2020, the US Marshal arrested the Vessel pursuant to a
19 warrant issued by this Court, and immediately tendered custody of the Vessel to the
20 Substitute Custodian. That same day, I emailed counsel for the Jones Global, Shawn Griggs,
21 and alerted him to the arrest. In that email, I told Mr. Griggs that we were placing copies of
22 the Complaint and Warrant in the mail to both him and his client, Jones Global, and further
23 advised "I would be grateful if you could let me know if we should communicate further
24 with you on this matter. I understand that you will not be making an appearance and that it is
25 your understanding that Mr. Jones will not be making an appearance either." Mr. Griggs
26 never responded to my email in any way.

**DECLARATION OF MOLLY J. HENRY SUPPORTING
MOTION FOR DEFAULT - 2**

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1 8. On September 16, 2020, the Port published notice of the arrest and action in
2 the Seattle Daily Journal of Commerce, as required by LAR 125. A true and correct copy of
3 the published notice is attached hereto as Exhibit C.

4 9. Also on September 16, 2020, pursuant to LAR 130, my office provided notice
5 of the arrest to all interested parties listed in the Vessel's Certificate of Documentation and
6 Abstract of Title, and to Mr. Griggs, by sending copies of the Verified Complaint and
7 Warrant of Arrest to the following parties via certified mail, return receipt requested:

8 Jones Global Investment LLC
9 2615 Maggiore Circle
 Kissimmee, FL 34746-3459

10 Captain Vic's Marine Services, LLC
11 1210 22nd St. SE
 Puyallup, WA 98372

12 Rudolf Oppermann
13 1906 199th Pl. SW
 Lynnwood, WA 98036-7045

14 Tyee Marina LLC
15 5618 Marine View Dr.
 Tacoma, WA 98422-2703

16 Arthur J. Gallagher & Co.
17 12444 Powerscourt Drive
 St. Louis, MO 63131

18 Shawn Griggs
19 1818 Westlake Ave N, Ste 423
 Seattle, WA 98109-2707

20 Tracking results for the mailed notices are attached hereto as Exhibit D.

21 10. With the exception of the notices sent to Jones Global and its counsel Shawn
22 Griggs, all notices were delivered. The notice for Jones Global was returned because the
23 address was not valid and/or Jones Global was no longer in business. Mr. Grigg's notice
24 continues to be held for pickup.

25
26 **DECLARATION OF MOLLY J. HENRY SUPPORTING
 MOTION FOR DEFAULT - 3**

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12. Pursuant to Supp. Adm. R. C(6), more than 14 days have passed since notice of the arrest was published and no one has filed any statement of interest in the Vessel. No one has appeared or contacted the Port to express an interest in the Vessel.

/s/ Molly J. Henry
Molly J. Henry, WSBA #40818

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